

MT LEGISLATIVE HISTORY

Chapter 450 19 83

Bill H _____ S 402

Original bill & hist. ☒ C

H. Committee on Highways & Transportation

S. Committee on Highways & Transportation

Hearing Date(s) Mar 10 ☒ C

Hearing Date(s) Feb 15 ☒ C

Mar 22 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 22 ☒ C

Feb 15 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE BILL NO. 402

INTRODUCED BY MOHAR, VINCENT, HAGER,
TOWE, RAMIREZ, NORDTVEDT, SANDS,
HALLIGAN, CRIPPEN, JACOBSON,
ADDY, D. BROWN, B. BROWN

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Highways and Transportation.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Highways and Transportation.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in.

IN THE SENATE

March 28, 1983

Returned to Senate with
amendments.

April 5, 1983

Second reading, amendments
concurred in.

April 6, 1983

Third reading, amendments
concurred in. Ayes, 49;
Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *402*
 2 INTRODUCED BY *Molan Vincent Hager* *Ramirez*
 3 *Sanchez* *Salgado* *Cyr* *Jacobson* *Alley*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A

5 "VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS;
 6 AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336,
 7 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604,
 8 AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 9 DATE."

10
 11 WHEREAS, the Legislature finds that it is appropriate
 12 to conform Montana's laws on bicycles with the provisions of
 13 the Uniform Vehicle Code.

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 61-1-103, MCA, is amended to read:

17 "61-1-103. Vehicle. "Vehicle" means every device in,
 18 upon, or by which any person or property may be transported
 19 or drawn upon a public highway, except devices moved by
 20 human or animal power or used exclusively upon stationary
 21 rails or tracks. However, in chapters 3 and 4, the term
 22 means "motor vehicle" as defined in this part. ~~The term does~~
 23 ~~not include a bicycle as defined in 61-1-123.~~"

24 Section 2. Section 61-1-123, MCA, is amended to read:

25 "61-1-123. Bicycle. "Bicycle" means:

1 (1) every device ~~vehicle~~ propelled ~~solely~~ by human
 2 power upon which any person may ride, having two tandem
 3 wheels ~~either--of--which-is-more-than-20-inches-in-diameter~~
 4 ~~and a seat height of more than 25 inches from the ground~~
 5 ~~when the seat is raised to its highest position, except~~
 6 ~~scooters and similar devices; or~~

7 (2) every device ~~vehicle~~ equipped with two or three
 8 wheels, foot pedals to permit muscular propulsion and an
 9 independent power source providing a maximum of two brake
 10 horsepower. If a combustion engine is used, the maximum
 11 piston or rotor displacement may not exceed 3.05 cubic
 12 inches (50 centimeters) regardless of the number of chambers
 13 in the power source. The power source must not be capable of
 14 propelling the device, unassisted, at a speed exceeding 30
 15 miles an hour (48.28 kilometers an hour) on a level surface.
 16 The device must be equipped with a power drive system that
 17 functions directly or automatically only and does not
 18 require clutching or shifting by the operator after the
 19 drive system is engaged."

20 Section 3. Section 61-8-333, MCA, is amended to read:

21 "61-8-333. Required position and method of turning at
 22 intersections ~~== bicycle turn procedures ==~~ signs. (1) The
 23 driver of a vehicle intending to turn at an intersection
 24 shall do so as follows:

25 (a) Right turns. Both the approach for a right turn

and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turn on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) A person making a turn under subsections (1)(a), (1)(b), or (1)(c) is entitled to the full use of the lane from which the turn may be legally made.

(2) A person operating a bicycle who intends to turn left shall follow the course described in subsection (1) or shall approach the turn as close as practicable to the right side of the roadway. After proceeding across the intersecting roadway, the bicycle operator shall make the turn as close as practicable to the side of the roadway on the far side of the intersection. After turning, the bicycle operator shall comply with any official traffic-control device or police officer regulating traffic on the highway along which he intends to proceed.

(2)(3) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs."

Section 4. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1) No person shall turn a vehicle at an intersection unless the

1 vehicle is in proper position upon the roadway as required
 2 by 61-8-333 or turn a vehicle to enter a private road or
 3 driveway or otherwise turn a vehicle from a direct course or
 4 move right or left upon a roadway unless and until such
 5 movement can be made with reasonable safety. No person shall
 6 so turn any vehicle without giving an appropriate signal in
 7 the manner hereinafter provided in the event any other
 8 traffic may be affected by such movement.

9 (2) A signal of intention to turn right or left, other
 10 than when passing, when required shall be given continuously
 11 during not less than the last 100 feet traveled by the
 12 vehicle before turning in any business, residence, or urban
 13 district as defined in 61-1-403 through 61-1-410.

14 (3) A signal of intention to turn right or left, other
 15 than when passing, when required shall be given continuously
 16 during not less than the last 300 feet traveled by the
 17 vehicle before turning in areas other than those set forth
 18 in subsection (2).

19 ~~(4) A signal by hand and arm need not be given~~
 20 ~~continuously by the person operating a bicycle if the hand~~
 21 ~~is needed in the control or operation of the bicycle.~~

22 ~~(4)(5) No person shall stop or suddenly decrease the~~
 23 ~~speed of a vehicle without first giving an appropriate~~
 24 ~~signal in the manner provided herein to the driver of any~~
 25 ~~vehicle immediately to the rear when there is opportunity to~~

1 give such signal."

2 Section 5. Section 61-8-338, MCA, is amended to read:

3 "61-8-338. Method of giving hand-and-arm signals. ~~(1)~~
 4 ~~Att Except as provided in subsection (2), all~~ signals herein
 5 required given by hand and arm shall be given from the left
 6 side of the vehicle in the following manner and such signals
 7 shall indicate as follows:

8 ~~(1)(a)~~ Left turn. Hand and arm extended horizontally.

9 ~~(2)(b)~~ Right turn. Hand and arm extended upward.

10 ~~(3)(c)~~ Stop or decrease speed. Hand and arm extended
 11 downward.

12 ~~(2) The person operating a bicycle may signal a right~~
 13 ~~turn by extending the right hand and arm horizontally."~~

14 Section 6. Section 61-8-354, MCA, is amended to read:

15 "61-8-354. Stopping, standing, or parking prohibited
 16 in specified places -- exceptions. (1) No person shall stop,
 17 stand, or park a vehicle, except ~~as allowed under subsection~~
 18 ~~(2) or~~ when necessary to avoid conflict with other traffic
 19 or in compliance with law or the directions of a police
 20 officer or highway patrolman or traffic-control device, in
 21 any of the following places:

22 (a) on a sidewalk;

23 (b) in front of a public or private driveway;

24 (c) within an intersection;

25 (d) within 15 feet of a fire hydrant;

1 (e) on a crosswalk;

2 (f) within 20 feet of a crosswalk at an intersection;

3 (g) within 30 feet upon the approach to any flashing
4 beacon, stop sign, or traffic-control signal located at the
5 side of a roadway;

6 (h) between a safety zone and the adjacent curb or
7 within 30 feet of points on the curb immediately opposite
8 the ends of a safety zone, unless the local authorities
9 indicate a different length by signs or markings;

10 (i) within 50 feet of the nearest rail of a railroad
11 crossing;

12 (j) within 20 feet of the driveway entrance to any
13 fire station and on the side of a street opposite the
14 entrance to any fire station within 75 feet of said entrance
15 when properly signposted;

16 (k) alongside or opposite any street excavation or
17 obstruction when stopping, standing, or parking would
18 obstruct traffic;

19 (l) on the roadway side of any vehicle stopped or
20 parked at the edge or curb of a street;

21 (m) upon any bridge or other elevated structure upon a
22 highway or within a highway tunnel;

23 (n) at any place where official signs prohibit
24 stopping.

25 ~~(2) A bicycle may be parked on a sidewalk and other~~

1 ~~such places if the parking does not impede normal and~~
2 ~~reasonable movement of pedestrians or other traffic.~~

3 ~~(2)(2)~~ A public bus stop may not be established in the
4 areas described in subsections (1)(a) through (c) and (e).
5 Otherwise, this section does not prohibit the establishment
6 of public bus stops and the regulation of their use by a
7 local government. Such a bus stop must be established by
8 ordinance pursuant to a traffic and engineering study. Such
9 establishment is subject to review and approval by the
10 department of highways if the bus stop is to be established
11 on a street or highway under its jurisdiction.

12 ~~(3)(4)~~ No person shall move a vehicle not lawfully
13 under his control into any such prohibited area or away from
14 a curb such distance as is unlawful."

15 Section 7. Section 61-8-368, MCA, is amended to read:
16 "61-8-368. Opening and closing vehicle doors. No
17 person shall open the ~~any~~ door of a motor vehicle ~~on the~~
18 ~~side-avoidable-to-moving-traffic~~ unless and until it is
19 reasonably safe to do so ~~without interfering with the~~
20 ~~movement of other traffic~~, nor shall any person leave a door
21 open on the ~~a~~ side of a vehicle available to moving traffic
22 for a period of time longer than necessary to load or unload
23 passengers."

24 Section 8. Section 61-8-504, MCA, is amended to read:
25 "61-8-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian ~~or with any person operating a bicycle~~ upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway."

Section 9. Section 61-8-602, MCA, is amended to read:

"61-8-602. Traffic laws applicable to persons ~~riding~~ operating bicycles. Every person ~~riding~~ operating a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a ~~any other~~ vehicle by ~~chapter 7,~~ this chapter, and chapter 9 except as to special regulations in this part and except as to those provisions of ~~chapter 7,~~ this chapter, and chapter 9 which by their very nature can have no application."

Section 10. Section 61-8-604, MCA, is amended to read:

"61-8-604. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, ~~but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for such attachment.~~"

Section 11. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways and bicycle paths. (1) Every A person operating a bicycle upon a roadway ~~at less than the normal speed of traffic at the time and place and under the conditions then existing~~ shall ride as near to the right side of the roadway as practicable ~~exercising due care when passing a standing vehicle or one proceeding in the same direction except when:~~

(a) ~~overtaking and passing another vehicle proceeding in the same direction;~~

(b) ~~preparing for a left turn at an intersection or into a private road or driveway;~~

(c) ~~necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.~~

(2) ~~A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.~~

(3) ~~Persons riding bicycles upon a roadway shall ride in single file not more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. A person riding a bicycle may overtake and pass~~

~~another-bicycle-when-safe-to-do-so-and-when-other-traffic-is
not-obstructed-by-so-doing Persons riding two abreast may
not impede the normal and reasonable movement of traffic and
on a labeled roadway shall ride within a single lane.~~

~~†3†41~~ Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

~~†4†151~~ A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (1) and (2)."

NEW_SECTION. Section 12. Pedestrian's right of way on sidewalks. The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

NEW_SECTION. Section 13. Bicycles on sidewalks. (1) A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic-control devices.

(3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

NEW_SECTION. Section 14. Codification instruction. Section 12 is intended to be codified as an integral part of Title 61, chapter 8, part 5, and section 13 is intended to be codified as an integral part of Title 61, chapter 8, part 6, and the provisions of Title 61, chapter 8, apply to sections 12 and 13.

NEW_SECTION. Section 15. Effective date. This act is effective on passage and approval.

-End-

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 15, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on February 15, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with the following Senators present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Graham; and, the following Senators late: Senator Tveit, Senator Stimatz. Those Senators absent: Senator D. Manning and Senator Daniels.

SENATE BILL NO. 402: Hearing commenced on Senate Bill No. 402. Senator Mohar, sponsor of Senate Bill No. 402 told the committee this bill amends Montana's vehicle laws to bring the statutes affecting bicycles into conformity with the Uniform Vehicle Code, and provides for an immediate effective date. He read sections of the bill to the committee and introduced Ronald Pogue from Billings to the committee.

Ronald Pogue, 1025 North 22nd Street, Billings, MT, representing the League of American Wheelmen, The Billings Bicycle Club, and the Alternative Energy Resources Organization, spoke in support of Senate Bill No. 402. He presented the committee with written testimony, which he read to the committee. See Exhibit 1.

Mark Cadwallader, Missoula, MT, representing Sam Warren, the Deputy City Attorney of Missoula told the committee Sam Warren was unable to be present today, and asked me to present his written statement. He read from prepared statement, see Exhibit 2.

Sue Lindgren, representing herself, spoke in support of the bill. In 1981 and 1982, I conducted bicycle workshops throughout the state. I support this bill because it reflects the concerns of Montanan's, both rural and urban interests. It is a good safety bill.

Curt Hahn, Specialist in Traffic Education Programs for the Office of Public Instruction, spoke in support of the bill. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a Do Pass recommendation.

Curt Hahn, also presented the committee a letter from Wayne Elser, President of the Montana Traffic Education Association. See Exhibit 3.

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Albert Goke, representing the Highway Traffic Safety Division, Department of Justice spoke in support of Senate Bill No. 402. The proposed changes are supported by the wording from the Uniform Vehicle Code and would conform to national trends in dealing with bicycle law in the United States.

Garfield Munson, representing the Highway Patrol, told the committee the Highway Patrol is in complete support of Senate Bill No. 402 and urges its passage.

Charlotte Henson, representing the Helena Bicycle Club, spoke in support of Senate Bill No. 402. I use the bicycle daily, it is a part of our daily life. I think this is a good safety bill. Highway behavior should be taught to all bicyclists.

John Williams, representing the City of Missoula, Engineering Department, spoke in support of Senate Bill No. 402. As a professional involved in teaching youngsters how to ride safely, I feel this bill is necessary to improving safety of Montana bicyclists. It will clarify the legal status of bicyclists; it will clearly state the situations under which a bicyclist must keep to the right; it will make teaching of turn signals easier. He presented written testimony to the committee, and read from it. See Exhibit 4.

June J. Siple, representing the Bicyclists Guide to Montana, spoke in support of Senate Bill No. 402. I feel that the Montana Code in its present form is confusing to the public and enforcement officials alike; adoption of the appropriate uniform vehicle code sections into the Montana Code would make the law more clear for bicycle riders and motorists alike. Ms. Siple presented three letters to the committee: Exhibit 5, letter from Debra Unruh, the Missoula Bicycle Club President; Exhibit 6, letter from Gary MacFadden, Executive Director of Bikecentennial, the Bicycle Travel Association, and a brochure; and, Exhibit 7, a letter from Frank E. Winkler, 2113 Charlott Ave., Missoula, MT. All three letters were in support of Senate Bill No. 402.

Bill Ware, Chief of Police, Helena, MT, spoke in support of Senate Bill No. 402. We would like to go on record as supporting this bill.

There were no further proponents to Senate Bill No. 402. There were no opponents to Senate Bill No. 402.

Senator Hager asked Ron Pogue if there would be any licensing, taxing, or insurance regulations on bicycles if this bill passes.

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Ron Pogue, told Senator Hager he was also concerned about this and thoroughly went through the code. As far as he knows, this bill would not affect bicyclists. The law requires licensing, taxing, and insurance on motor vehicles, and this law will define bicycles as a vehicle, not a motor vehicle. However, there is a section of the law that says the driver of a vehicle is liable for any damages that they may cause.

Senator Hager said this bill puts more responsibility on the bicycle rider, and wondered if this bill would not allow a younger person to ride a bike.

Ron Pogue said no. This bill deals with the serious bicyclist, the person who is on the highways and uses the bike for transportation purposes, touring. This bill will have an impact on irresponsible cyclists. It will not affect the youngster who rides his bike on the sidewalk in residential areas. But it will affect anyone who rides their bike on the roads. Most accidents are caused by riders who are bicycling on the wrong side of the road. We seldom see the police give these people a ticket.

Senator Elliott said he is in support of the bill and the concept behind it, however, he has problems with the bill. I don't think sidewalks is a suitable place for riding a bicycle, accept when they are being parked or walked. Why should bicycles be ridden on sidewalks.

Senator Mohar said most of the people who ride on sidewalks are children and sometimes senior citizens. I would not want to take that away from the children, who do not want to be on the roadway.

Ron Pogue said this situation is a difficult one. It would be simple if we did not have them on the sidewalks. And, even if that was the law, we would still have problems in trying to enforce it. Very few competent bicyclists ride on the sidewalks. The Uniform Vehicle Code itself states that vehicles cannot be operated on sidewalks, and makes an exception for local ordinances. Most cities have ordinances that prohibit bicycles from operating on sidewalks in business districts, and allowing them to in residential districts. Some have restrictions on age. Anyone over the age of 15 must use the roadway.

Senator Stimatz asked Ron Pogue to explain Section 2 on Page 10.

Ron Pogue said Section 2, Page 10, states, "A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable. Mr. Pogue drew a diagram on the blackboard

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that answered the questions Senator Stimatz had.

Senator Shaw asked if Section 2, Page 10, would apply to the interstate.

Ron Pogue said no. The Interstate is not a one way roadway.

Senator Elliott asked what a laned roadway is.

Ron Pogue said a laned roadway is defined in 51-1-207, and is a roadway which is designed with two or more lanes.

Senator Elliott said he did not like the section of the law that deals with riding two-abreast. Why ride two-abreast?

Ron Pogue said they have changed the law dealing with this, and now reads: "shall not ride more than two-abreast".

Senator Elliott proposed an amendment to Senate Bill No. 402.

1. Page 11, line 2.
Following: "abreast"
Strike: "may"
Insert: "shall"

See Exhibit 8.

Senator Hager asked if the adult tricycles would be considered tandom.

Ron Pogue reported that everyone he had talked to about the adult tricycles and tandom wheels agreed that they would be considered a bicycle, or vehicle. Tandom means one behind the other. It certainly would not exclude adult tricycles as long as they are over 25".

Senator Hager asked if this bill is adopted would cities have any difficulties with it.

Bill Ware, Chief of Police, Helena, said no. We would conform to the Montana law.

In closing, Senator Mohar said he thinks this is a good bill, a traffic safety bill. I hope you give this a favorable do pass.

There being no further discussion, hearing on Senate Bill No. 402 was closed.

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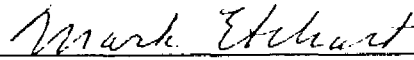
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ACTION ON SENATE BILL NO. 402: Senator Graham made the motion to adopt the amendment on Page 11, Line 2. The motion carried. A Roll Call Vote was taken, see Exhibit 15.

Senator Shaw made the motion that Senate Bill No. 402, as amended DO PASS. The motion carried unanimously.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:25 p.m.



Senator Mark Etchart
Chairman

ME/cdf

ROLL CALLSENATE HIGHWAYS AND TRANSPORTATION COMMITTEE48 ~~47~~⁴⁸th LEGISLATIVE SESSION -- 1981X 1983

Date 2/15

NAME	PRESENT	ABSENT	EXCUSE
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓ late		
Senator Graham	✓		
Senator D. Manning			
Senator Stimatz	✓ late		
Senator Daniels			
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

Please note bill no.

NAME

REPRESENTING

BILL #

(check one)
SUPPORT OPI

JOHN WILLIAMS

MISSOULA ENGINEERING DEPT

402

X

AL GORKE

High Traffic Safety Div

402

✓

Bob Miller

Self

402

✓

Ore Lindgren

Self

402

✓

Bob Miller

Self

402

✓

George W. Walker

Self

402

✓

Curt Hahn

The Boyd St. Garage
to Montana

402

✓

Hal Robbins

Self / Member

402

✓

MARI, M. G. G. G.

Dan Warren, Miss. G. G. G.

402

✓

Charlotte Henson and daughter

Helena Bianca, 3yo

402

✓

Dolores Krasner

Missoula, Biker Program

402

✓

~~L. L. G. G.~~~~Self~~

402

✓

CURT HAHN

Ore. G. G. G. G.

402

✓

Gardner M. M. M.

Helena, G. G. G.

402

✓

Stephen G. G.

Mt. Christy, G. G. G.

402

✓

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NAME: Ronald Pogue

DATE: 2-15-83

ADDRESS: 1025 North 22nd St Billings MT 59101

PHONE: 259-2357 (Halena phone 443-7272)

REPRESENTING WHOM? League of American Wheelmen
Billings Bicycle Club
Alternative Energy Resources Organization

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PREPARED TESTIMONY OF RONALD POGUE IN SUPPORT OF SB 402.

Chairman Etchart and members of the committee:

It is my pleasure to appear before today in support of Senate Bill 402. I am here today representing myself as a bicyclist with 30 years experience and as a writer and researcher who has published several articles on bicycling safety, laws and riding technique. I am also here representing three organizations: the League of American Wheelmen, the national organization of bicyclists with over 20,000 individuals and 500 local clubs as members; the Billings Bicycle Club, with a little less than 100 individual and family members; and the Alternative Energy Resources Organization, with over 500 Montana businesses, families and individuals. These three organizations wish to go on record as supporters of SB 402.

I also took copies of the bill to the Montana Department of Highways for review by Director Gary Wicks and Legal Division Administrator James Beck. Mr. Wicks asked me to relay to you that the Department has reviewed SB 402 and has no opposition to its passage.

SB 402, with the exception of Section 5, is based entirely on the current version of the Uniform Vehicle Code. Enclosed is a chart which cites the specific articles of the UVC on which the respective sections of SB 402 are based. Montana's current bicycling laws are primarily based on much older versions of the UVC. As you know, the UVC is updated every 3-5 years by the National Committee on Uniform Traffic Laws and Ordinances, an association of over 100 representatives of federal, state and local governments, insurance companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations, and others interested in achieving sound, uniform traffic laws and regulations. During the last couple decades significant progress was made in bicycling research and safety as well bicycle usage as a mean of serious transportation. This progress resulted in changes to the bicycling portions of the Uniform Vehicle Code in 1971, 1975, and 1979. These changes are embodied in SB 402.

SB 402:

1) Redefines a "bicycle" as a "vehicle". The legal status of "vehicle" for bicycles is important to cyclists and motorists alike. It makes it legally explicit that bicyclists are required to obey all traffic laws and are citable for infractions of those laws. It makes it clear that cyclists are liable for damages they cause. It also establishes explicitly their rights to share the roadways and be afforded the protections of the law. (Sections 1 and 2.)

2) Allows cyclist to make left turns in the same manner that a car would or by riding all the way around the outside of the intersection as a pedestrian would. This provisions strong or weak cyclists, more experienced or less experienced cyclists, to each choose a manner of turning left that is compatible with their respective abilities and other traffic. (Section 3.)

3) Permits a cyclist to give intermitent (rather than continuous) turn signals when his or her hands are needed in the control and operation of the bicycle. (Section 4.)

4) Allows a bicycle to be parked on a sidewalk only if such parking does not impede the normal and reasonable flow of pedestrian and vehicle traffic. (Section 6.)

5) Authorizes an optional right turn signal for bicyclists--i.e., extending the right hand and arm horizontally. This signal is easier for cyclist to make and studies have shown that this signal is more clearly understood by motorists than the the conventional right turn hand-and-arm signal. (Section 5.)

6) Requires car doors to be carefully opened on all sides of the vehicle that are next to traffic of any kind--vehicle or pedestrian. (Section 7.)

7) Requires vehicle drivers, including cyclists, to exercise due care to avoid colliding with cyclists in addition to pedestrians. (Section 8.)

8) Reaffirms that bicyclists are subject to the duties of and are granted the rights of drivers of other vehicles. This provision is also extended to the MCA chapter on traffic accidents. (Section 9.)

9) Allows bicyclists to pull bonafide bicycle trailers. (Section 10.)

10) Maintains the requirement that cyclists ride as far to the right side of the roadway as practicable, but authorizes exceptions to this requirement for passing, turning left, riding as fast as the flow of traffic, and conditions along the right side that make it unsafe to continue riding there. (Section 11.)

11) Allows cyclists the option of riding on the extreme left side of one-way streets. (Section 11.)

12) Permits cyclists to ride two abreast only when it does not impede the normal and reasonable movement of traffic. If traffic situations, cyclists would usually still be required to ride single file. (Section 11.)

13) Requires the driver of any vehicle, including bicycles, to yield to all traffic on sidewalks that the driver is crossing. (Section 12.)

14) States that bicyclists riding on sidewalks lose their vehicle status and are bound by the rights and duties of pedestrian law. In addition, cyclists must yield to all pedestrians and must give an audible signal when passing pedestrians on a sidewalk. (Section 13.)

SB 402 is needed. It benefits motorists and cyclists by clearly spelling out the rules for both. It should improve the traffic behavior of cyclists, which in turn will increase the respect of motorists for cyclists. I strongly urge you to give SB 402 a "do pass" recommendation.

Thank you.

Submitted by,

Ronald Pogue

Ronald Pogue
1025 North 22nd St.
Billings, MT 59101
(406)259-2357

All sections of SB 402 except section 5 are based on the Uniform Vehicle Code:

<u>SB 402</u>	<u>Uniform Vehicle Code</u>
Section 1.	§ 1-184—Vehicle. — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (REVISED, 1975.)
Section 2.	§ 1-105—Bicycle. — Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices. (REVISED, 1975 & 1979.)
Section 3.	§ 11-1207—Left turns (a) A person riding a bicycle or a moped intending to turn left shall follow a course described in § 11-601 or in subsection (b). (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist or moped driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.
Section 4.	§ 11-1208—Turn and stop signals (a) Except as provided in this section, a person riding a bicycle shall comply with § 11-604. (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.
Section 6.	§ 11-1210—Bicycle parking (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device. (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
Section 7.	§ 11-1105—Opening and closing vehicle doors No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1975.)
Section 8.	§ 11-504—Drivers to exercise due care Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (REVISED, 1971 & 1975.)

Page 13, Highways, 2/15/83

NAME MARK CADWALLADER

BILL NO. 402

ADDRESS 1749 1/2 S. 12TH W, MISSOULA, MT 59801 DATE 2/15/83

WHOM DO YOU REPRESENT Sam Warren, Missoula Deputy City Attorney

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS: Sam Warren was unable to be present today,
and asked me to present his written statement.

Written Testimony of Sam Warren, Missoula Deputy City Attorney

I would like to take this opportunity to respectfully urge this Committee to recommend passage of Senate Bill 402. The primary thrust of this Bill is to specifically define the term "vehicle" as used in the state traffic code to include bicycles. Other parts of the Bill make exceptions or modifications where it would be inappropriate to treat bicycles and other vehicles exactly the same.

Present State of Law

At the present time, the Montana Traffic Code expressly excepts bicycles from the definition of "vehicle". Section 61-1-103, M.C.A. Virtually all of the operating requirements contained in the Montana Traffic Code apply only to "vehicles". Thus, on its face, it would appear that the provisions which govern "vehicles" do not apply to bicycles operated on Montana streets and highways. The legislature, apparently to address this exact issue, enacted Section 61-8-602, which states:

"61-8-602. Traffic laws applicable to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 9 except as to special regulations in this part and except as to those provisions of this chapter and chapter 9 which by the very nature can have no application."

Unfortunately, the above-quoted language, while it seems straightforward, does not adequately resolve the problem. While it does purport to "grant" bicyclists all of the "rights and duties" of other drivers, this is not the same as subjecting bicyclists to the operating requirements of the Motor Vehicle Code.

Bicyclists find themselves in a unique, undefined area of the law. As it presently stands, it is not at all clear that

exactly the same.

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Unfortunately, the above-quoted language, while it seems straightforward, does not adequately resolve the problem. While it does purport to "grant" bicyclists all of the "rights and duties" of other drivers, this is not the same as subjecting bicyclists to the operating requirements of the Motor Vehicle Code.

Bicyclists find themselves in a unique, undefined area of the law. As it presently stands, it is not at all clear that bicyclists are governed by the vehicle operating requirements that govern "vehicles".

The Problem

While I cannot offer any statistical proof, my personal experience and observation indicates that bicycle use is growing rapidly, especially in urban areas. This has resulted in increased numbers of collisions between bicycles and motor vehicles. One particular case will illustrate the problem.

Last summer, in Missoula, there was a collision between a pickup truck and a bicycle. Fortunately, no one was injured, although the bicycle was damaged extensively. The driver of the pickup truck, obviously in a hurry, merely asked the bicyclist if he had "learned anything" and then left the scene without giving his name or other information. The stunned bicyclist found himself sitting on the curb with a badly damaged bike, wondering what to do. Because the exact cause of the accident was unclear (in terms of who was at fault), it was clear that the motorist left the scene without giving the bicycle rider his name, address, or insurance information. Our Office investigated the incident, found the driver of the pickup truck, and issued him a citation for leaving the scene of a property damage accident without giving the required information (Section 61-7-104, M.C.A.). Of course, this statute pertains only to "the driver of any vehicle involved in an accident resulting only in damage to a vehicle . . ." The Defendant appeared, through his lawyer, and asked that the case be dismissed since the term "vehicle" as defined in the Montana Vehicle Code, specifically excludes bicycles. This motion was granted.

The above case is neither unique nor unjustified. There is a general legal axiom that all penal laws (such as traffic laws) must be construed strictly against the state. Thus, if any confusion or ambiguity exists in the law, the person charged with violating the law shall get the benefit of the doubt. Although we do have a law granting bicyclists the "rights and duties" of operators of other vehicles, we also have a law which specifically excepts bicycles from the definition of vehicles. This ambiguity will be construed in favor of the person charged.

In conclusion, I believe that the Montana Traffic Code does not effectively govern the operation of bicycles. A motor vehicle which fails to yield the right of way to a bicycle cannot be charged (at least in Missoula) with any traffic violation. Similarly, a bicyclist is not governed by vehicle operating requirements such as stop signs, traffic lights, as well as accident reporting requirements.

I believe that Senate Bill No. 402 solves the problem describe above. This Bill would definitely include bicyclists within the definition of vehicles and clarify the laws that govern their operation. I believe this Bill deserves your serious consideration and support.

Respectfully submitted,

Sam Warren

Sam Warren
Missoula Deputy City Attorney
201 West Spruce
Missoula, Montana 59802

SW/jd

Page 16, Highway, 2/15/83



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbr
Superintenc

February 15, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Mr. Chairman, Committee Members, I'm Curt Hahn, Driver Education Specialist for the Office of Public Instruction. I am pleased to represent OPI and go on record as a proponent of SB402. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a "Do Pass" recommendation.


Curt Hahn, Specialist
Traffic Education Programs



Page 17, Highways, 2/15/83
The Montana Traffic Education Association

Exhibit 3

815 Stuart, Helena, Montana 59601
(406) 449-3126 or 443-1969

February 14, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Dear Senator Etchart:

I have had the opportunity to review SB402, "An Act Defining A Bicycle As A "Vehicle"; Revising and Clarifying the Bicycle Traffic Laws; Amending Sections 61-1-103, 61-1-123, 61-8-333, 61-8-336, 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604, and 61-8-605, MCA; and Providing an Immediate Effective Date." I find that the provisions therein provide Montana's roadway users with a clearer and more uniform vehicle code. This revised code will improve the motor vehicle/bicycle traffic mix and provide additional safety and a smoother flow of traffic for all vehicle operators.

On behalf of the Montana Traffic Education Association, an association composed of driver education teachers and driver license examiners, we would like to go on record as a proponent of SB402. We encourage you and your committee to support this timely legislation with a "DO PASS" recommendation.

Sincerely,

Wayne Elser

WAYNE ELSER, President
Montana Traffic Education Association

Page 18, Highway, 2/15/83

NAME: Albert Goke

DATE: 2/15/83

ADDRESS: 303 W. Roberts Helena

PHONE: 449-3412

REPRESENTING WHOM? High Traffic Safety Div. - Dept. of Justice

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS:

Proposed changes are supported
by the wording from the
Uniform Vehicle Code and would
conform to national trends in dealing
with bicycle law in the U.S.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 19, Highways, 2/15/83

NAME: JOHN WILLIAMS DATE: 2-15-83

ADDRESS: 201 W. SPRUCE, MISSOULA MT 59802

PHONE: 1-721-4700 x 226

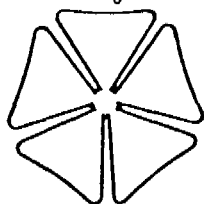
REPRESENTING WHOM? CITY OF MISSOULA, ENGINEERING DEPT.

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: AS A PROFESSIONAL INVOLVED IN TEACHING YOUNGSTERS
HOW TO RIDE SAFELY, I FEEL THIS BILL IS NECESSARY TO IMPROVE
SAFETY OF MONTANA BICYCLISTS. IT WILL CLARIFY THE LEGAL
STATUS OF BICYCLISTS, IT WILL CLEARLY STATE THE SITUATIONS
UNDER WHICH A BICYCLIST MUST KEEP TO THE RIGHT, IT WILL
MAKE TEACHING OF TURN SIGNALS EASIER.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

February 14, 1983

CITY ENGINEERING DEPARTMENT
201 West Spruce Street
Phone 721-4700

Letter No. E-83-0162

Senator Mark Etchert
Chairman
Highways & Transportation Committee
Montana Senate
Capitol Station
Helena MT 59620

Dear Senator Etchert:

I am writing in support of Senate Bill 402, an act that would bring Montana vehicular laws into conformance with the Uniform Vehicle Code.

I believe we need this bill. Montana has seen substantial growth in bicycle use over the past ten years. With this growth has come a rise in bicycle-related accidents and more confusion about the bicycle's place in the traffic mix.

Montana is one of the leaders in the movement to solve these problems. We have, for example, a state-wide bike safety training program that is recognized as one of the finest in the nation.

As a bike safety instructor who has taught hundreds of bicyclists of all ages, I can attest to the progress we have made. I can also attest to the long way we have to go, however, as some of our laws are still inadequate.

The proposed legislation will help me teach safe bicycling by:

- clearing up the confusing status of the bicycle (it's hard to explain to kids and adults that they have the rights and duties of a driver but are not a driver);
- giving a clear legal basis for teaching the two-stage left turn that is recommended in the Montana Bicyclist Training Program;
- clarifying the situations under which a bicyclist may move left to avoid a hazardous situation.

The bill also goes along with the Uniform Vehicle Code in recognizing some of the differences between cars and bikes with regards to signalling turns and other maneuvers.

All in all, I feel this bill is a positive contribution to the bicycle safety situation in Montana. I respectfully request favorable consideration of SB 402.

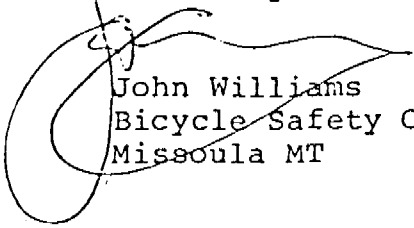
2/Senator Mark Etchert

Exhibit 4

Page 21, Highway, 2/15/83

Thank you for attention to this matter.

Sincerely,



John Williams
Bicycle Safety Coordinator
Missoula MT

JW/rm

Page 22, Highways, 2/15/83

NAME: JUNE J. SIPLE

DATE: 3/15/83

ADDRESS: 717 DEFOE, MISEOULA MT 59802

PHONE: (406) 542-2607 OR 543-8314 (office)

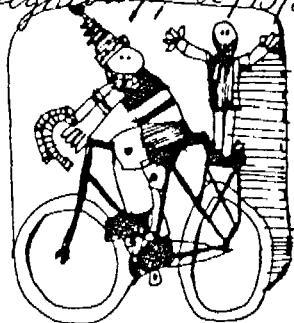
REPRESENTING WHOM? The Bicyclist's Guide to Montana

APPEARING ON WHICH PROPOSAL: State Bill # 402

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I FEEL THAT THE MONTANA CODE
IN ITS PRESENT FORM IS CONFUSING TO
THE PUBLIC AND ENFORCEMENT OFFICIALS
ALIKE; ADOPTION OF THE APPROPRIATE
UNIFORM VEHICLE CODE SECTIONS INTO
THE MONTANA CODE WOULD MAKE THE
LAW MORE CLEAR FOR BICYCLE RIDERS
AND MOTORISTS ALIKE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE MISSOULA BICYCLE CLUB

February 14, 1983

Senator Mark Etchert, Chairman
Highways & Transportation Committee
Capitol Station
Helena, MT 59620

Dear Senator Etchert:
re: SB 402

I am president of the Missoula Bicycle Club, the largest incorporated bicycling club in Montana with over 300 members. 21% are non-Missoula members living elsewhere in Montana. I am in support of Senate Bill 402 because of the potential it creates for increased road safety for motorists and bicyclists alike. Current laws regarding bicyclists sharing the road with motorists are confusing and SB 402 would help clarify law enforcements part in maintaining safety.

The bottom line is bicyclists and motorists obeying traffic laws equally. After all, motorists must stop at stop signs so why continue to let bicyclists coast through?

Sincerely,

Debra Unruh
MBC President



The Bicycle Travel Association

P.O. Box 8308, Missoula, MT 59807
(406) 721-1776

February 14, 1983

Senator Mark Etchert
Chairman - Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Senator Etchert:

During the past decade the bicycle has become more than a mere toy given to one's child for Christmas or a birthday. It is at once a vehicle for the young (and old), a tool for commuting in the auto-clogged cities, a competitive machine for the bicycle racer, and a means of escape for the touring bicyclist.

It is this latter group, the touring cyclists, whom we serve through Bikecentennial, a service organization for cyclists born nine years ago in Missoula, and now the nation's largest bicycling organization, though certainly not its oldest.

During our nine years we have drawn thousands of cyclists to the state of Montana. They have climbed our tortuous mountain passes, wondered at our national parks, and reveled in pastoral scenery that exists in so few places in our nation today.

These cyclists are drawn to Montana largely because several arms of Bikecentennial's developing national bicycle trail network link and cross in this state. We seek the lightly traveled, scenic roadways; the small towns bypassed by the busier highways. It is on these lightly traveled roads that the cyclists are more likely to truly experience our state. They travel unencumbered by heavy traffic, and they bring unquestionable economic benefit to the small towns along the way.

Yet, these two-wheeled travelers are met by an archaic law that strips them of the rights as vehicle drivers that cyclists enjoy in most other states today, while requiring of them the responsibilities of motorized vehicle drivers. This is patently unfair.

As the executive director of Bikecentennial, and on the behalf of our 20,000 member cyclists nationwide, I ask you to support the passage of Senate Bill #402, "An Act Defining A Bicycle As A Vehicle..."

Sincerely,

Gary MacFadden
Executive Director

Page 25, Highway 2/15/83

BIKE BACK INTO AMERICA

BIKECENTENNIAL

The Bicycle Travel Association

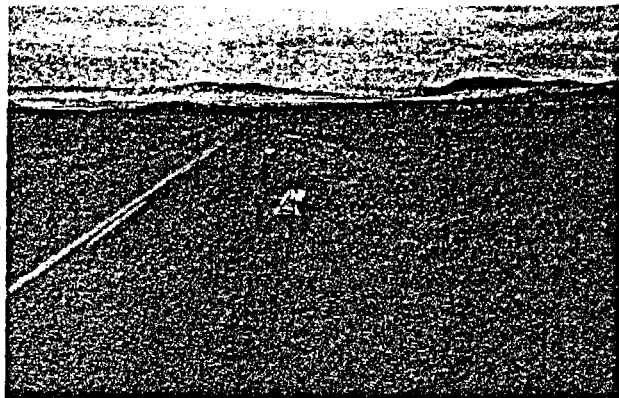


Exhibit 6



Highway, 2/15/83

Exhibit 7

February 15, 1983

Mark Etchert, Chairman
Highways and Transportation Committee
Helena, MT 59620

Dear Sen. Etchert,

I am writing you in regard to Senate Bill 702 concerning bicycle traffic laws and regulations. After reviewing the bill I am convinced that passage of this bill will benefit both the cyclist and the motorist. I am urging you to give the bill serious consideration and support.

I have been a bicycle commuter and touring biker for over twenty years, making many trips throughout Montana and other states. I use the bicycle as a vehicle, commuting to and from work for over nine months of the year. I ride approximately 3,000 miles each year and have seen many instances when a clearcut law would have been very beneficial.

I believe passage of this bill will make the law consistent and aid law enforcement officers greatly. During the late energy crisis many Montanans started using the bicycle for transportation and now that oil and gas are plentiful they still prefer to ride their bikes. They have found that a bicycle is truly a vehicle to get from one place to another.

I hope you will support this worthwhile legislation and help its passage through the Legislature.

Thanks very much from a concerned cyclist.

Frank E. Winkler

Frank E. Winkler

1113 Charlott Ave.
Missoula, MT 59801

Page 27, Highway, 2/15/83

Exhibit 8

Amendment SB 402

1. Page 11, line 2

Following: "abreast"

Strike: "may"

Insert: "shall"

State Highway



SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 2/15 1983 Bill No. SB 402 Time _____*amendment*

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz	✓	
Senator Daniels		

Carol Doyle Frasier
 Carol Doyle Frasier
 Secretary

Mark Etchart
 Senator Mark Etchart
 Chairman

Motion: Page 11, Line 2 Senator Graham
Following: "almost" made motion to do
Strike: "may" Pass the amendment
Insert: "shall" Motion Passed

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Senate Bill 402

Date 2/15 1983 Bill No. SB 402 Time as amended

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz	✓	
Senator Daniels		

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Shaw made the motion that
SB 402 as amended Do Pass. Motion carried.
Stimatz Carries

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

Page 40

FEBRUARY 15 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 402

Respectfully report as follows: That SENATE Bill No. 402 introduced bill, be amended as follows:

1. Page 11, line 2.
Following: "abreast"
Strike: "may"
Insert: "shall"

And, as so amended,
DO PASS

J.C.

QUESTIONS

REP. UNDERDAL asked how the project would be funded if Senate Bill 518 did not pass. Mr. Archibald said it would be improbable to obtain an outright grant and impossible to obtain a bank loan. Rep. Underdal asked if a drive could be held to raise funds.

REP. HOWE asked for the status of House Bill 518. Rep. Hemstad replied it would be scheduled after budget hearings.

The hearing was closed and Rep. Howe was asked to carry the bill.

SENATE BILL 402. SEN. JOHN MOHAR, District 11, Lincoln, testified as sponsor of the bill, stating it simply correlates Montana bicycle laws with the Uniform Vehicle Code by redefining a bicycle as a legal vehicle as stipulated in the UVC since 1975. He said the bill makes minor changes with the exception of allowing a right turn by extension of the right hand, horizontally.

SEN. MOHAR closed and asked Rep. Brown to carry the bill.

PROPONENTS

MR. RON POGUE, Billings, told the Committee he represented various bicycling organizations within the State and provided letters from some of them (exhibits). He said the bill had been reviewed by the Department of Highways without objection and provided committee members with sections of the UVC pertaining to the bill. He advised the impacts are quite profound, adding bicyclists are subject to all vehicle rules, rights and duties which could lead to some legal conflicts and said it is often difficult to prosecute bicyclists, but the bill could cause them to become more responsible and make them liable for damages. Mr. Pogue explained page 4, line 4, provides two means of turning left; Section 4 allows intermittent hand signals; Section 5 allows alternating signals for left turns and said a European study presents a strong case for allowing the signal. He said pages 7 and 8 allow bicycles to be parked on sidewalks, if normal movement is not impeded; Section 7 changes statutes with regard to vehicles opening doors on the traffic side; Section 11 requires a cyclist to ride as far to the right as possible and provides directions for leaving the right side of the roadway for turns, in addition to unsafe conditions and determining when riding two abreast is permissible.

He said Section 9 provides that a bicycle lose its vehicle status and take on a pedestrian status on sidewalks, adding he believes the bill will be advantageous to both cyclists and motorists.

MR. MARK CADWALLADER read from prepared testimony written by Sam Warren, Missoula County Deputy Attorney, describing problems arising from instances where damage occurs and a bicyclist is not liable, since it is not presently classified as a vehicle. The letter urged committee support of the bill (exhibit).

MRS. SUE LINDGREN, Helena, told the Committee implementation of the bill would contribute to bicycle safety in the State and further bicycle safety education.

MR. ALBERT GOKE, Department of Justice, Highways and Traffic Safety, said he believed the bill is well drafted and urged favorable committee consideration of the bill.

MR. GARFIELD MUNSON, Montana Highway Patrol, stated his support of the bill.

MR. CURT HAHN, Office of Public Instruction, stated his support of the legislation.

MR. JOHN WILLIAMS, Engineering Department, City of Missoula, told the Committee the City trained more than 1,000 children in bicycle safety in 1982, adding the proposed left-hand turn signal would be easier for children.

MS. JANE SIPLE, Missoula, advised the Committee she was writing a publication entitled "Bicyclist's Guide to Montana" and urged committee support of the bill.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. BROWN asked Mr. Pogue if the bill would affect insurance laws. Mr. Pogue replied it would not.

REP. LYBECK asked Mr. Pogue if bicyclists would be safer in two-way traffic should the bill pass. Mr. Pogue replied bicyclists would have legal protection they presently do not have.

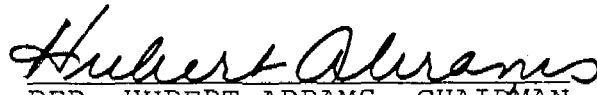
Highways Committee Minutes
March 10, 1983
Page 5

REP. KEYSER told the Committee he thought in some instances, bicyclists wanted to be classified as a vehicle with the same rights as a vehicle, but not as a motor vehicle. He said current statutes provide single file bicycling except on pathways, adding, he believes bicyclists riding two abreast are impeding traffic at all times. He asked why bicycles were not given a motor vehicle status, including liability, with the exception of parking on sidewalks. Mr. Pogue replied a bicycle would automatically be liable if it were classed as a vehicle, but liability insurance would not be mandatory.

REP. BROWN told the Committee he signed the bill as it would make bicyclists more responsible. Mr. Cadwallader commented all persons over 15 years of age are required to ride in the street in the City of Missoula.

The hearing was closed on Senate Bill 402.

The meeting was adjourned at 1:52pm.


REP. HUBERT ABRAMS, CHAIRMAN


Joann T. Gibson, Secretary

VISITOR'S REGISTER

HOUSE

Highways

COMMITTEE

BILL

SB 402

DATE _____

3-10-83

SPONSOR

Mohar

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name MARK CADWALLADER
Address 1744 1/2 S 12TH W MISSOULA
Representing CITY OF MISSOULA
Bill No. SB 402

Committee On Highways
Date 3/10/03
Support ✓
Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Here on behalf of Sam Warren, Missoula
Deputy City Attorney
2. Please note: typographical error in the last paragraph.
The second sentence should read "This Bill would definitely
include bicycles
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Bill Summaries

House Highways and Transportation Committee

March 10, 1983

2000 - *yes*
SB 287 assigns the Montana Historical Society the duty of publishing a roadside history of Montana to enable people to become familiar with the history of Montana as seen from the state's main roadways.

2000 - *yes*
SB 318 amends the proportional vehicle registration law. The term "preceding year" is extended to include 12 months within the previous 18 months. The bill removes specific information which is to be included on registration applications in favor of information the department requires. The bill revises the method of determining fees and allows GVW fees to be transferred to a replacement vehicle.

7000 - *yes*
SB 402 revises the laws relating to the operation of bicycles. The bill provides operating and turning standards for bicycles. The bill also provides standards for bicycles operating on sidewalks.

Helen L. O'Connell

All sections of SB 402 except section 5 are based on the Uniform Vehicle Code:

SB 402

Uniform Vehicle Code

- Section 1. § 1-184—Vehicle. — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (REVISED, 1975.)
- Section 2. § 1-105—Bicycle. — Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices. (REVISED, 1975 & 1979.)
- Section 3. § 11-1207—Left turns
- (a) A person riding a bicycle or a moped intending to turn left shall follow a course described in § 11-601 or in subsection (b).
- (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist or moped driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.
- Section 4. § 11-1208—Turn and stop signals
- (a) Except as provided in this section, a person riding a bicycle shall comply with § 11-604.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.
- Section 6. § 11-1210—Bicycle parking
- (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.
- (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- Section 7. § 11-1105—Opening and closing vehicle doors
- No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1975.)
- Section 8. § 11-504—Drivers to exercise due care
- Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (REVISED, 1971 & 1975.)

(over)

Section 9. § 11-1202—Traffic laws apply to persons on bicycles and other human powered vehicles

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except as to special regulations in this article and except as to those provisions which by their nature can have no application. (REVISED, 1975.)

Section 10. § 11-1204—Clinging to vehicles

- (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway. (RELETTERED, 1975.)
- (b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment. (NEW SUBSECTION, 1975.)

Section 11. § 11-1205—Position on roadway

(a) Any person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

- (1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.
- (2) When preparing for a left turn at an intersection or into a private road or driveway.
- (3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable. (REVISED, 1979.)

§ 11-1205.1—Riding two abreast and use of bicycle paths

(a) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. (REVISED, 1975; FORMERLY § 11-1205(b).)

(b) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (FORMERLY § 11-1205(c).)

Section 12. § 11-509—Pedestrians' right of way on sidewalks

The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk. (REVISED, 1971 & 1975.)

Section 13. § 11-1209—Bicycles and human powered vehicles on sidewalks

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

(c) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances. (NEW SECTION, 1975.)

-10-8-

PREPARED TESTIMONY OF RONALD POGUE IN SUPPORT OF SB 402.

Chairman Abrams and members of the committee:

It is my pleasure to appear before today in support of Senate Bill 402. I am here today representing myself as a bicyclist with 30 years experience and as a writer and researcher who has published several articles on bicycling safety, laws and riding technique. I am also here representing three organizations: the League of American Wheelmen, the national organization of bicyclists with over 20,000 individuals and 500 local clubs as members; the Billings Bicycle Club, with a little less than 100 individual and family members; and the Alternative Energy Resources Organization, with over 500 Montana businesses, families and individuals. These three organizations wish to go on record as supporters of SB 402.

I also took copies of the bill to the Montana Department of Highways for review by Director Gary Wicks and Legal Division Administrator James Beck. Mr. Wicks asked me to relay to you that the Department has reviewed SB 402 and has no opposition to its passage.

SB 402, with the exception of Section 5, is based entirely on the current version of the Uniform Vehicle Code. Enclosed is a chart which cites the specific articles of the UVC on which the respective sections of SB 402 are based. Montana's current bicycling laws are primarily based on much older versions of the UVC. As you know, the UVC is updated every 3-5 years by the National Committee on Uniform Traffic Laws and Ordinances, an association of over 100 representatives of federal, state and local governments, insurance companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations, and others interested in achieving sound, uniform traffic laws and regulations. During the last couple decades, significant progress was made in bicycling research and safety as well bicycle usage as a mean of serious transportation. This progress resulted in changes to the bicycling portions of the Uniform Vehicle Code in 1971, 1975, and 1979. These changes are embodied in SB 402.

SB 402:

1) Redefines a "bicycle" as a "vehicle". The legal status of "vehicle" for bicycles is important to cyclists and motorists alike. It makes it legally explicit that bicyclists are required to obey all traffic laws and are citable for infractions of those laws. It makes it clear that cyclists are liable for damages they cause. It also establishes explicitly their rights to share the roadways and be afforded the protections of the law. (Sections 1 and 2.)

2) Allows cyclist to make left turns in the same manner that a car would or by riding all the way around the outside of the intersection as a pedestrian would. This provisions strong or weak cyclists, more experienced or less experienced cyclists, to each choose a manner of turning left that is compatible with their respective abilities and other traffic. (Section 3.)

3) Permits a cyclist to give intermitent (rather than continuous) turn signals when his or her hands are needed in the control and operation of the bicycle. (Section 4.)

4) Allows a bicycle to be parked on a sidewalk only if such parking does not impede the normal and reasonable flow of pedestrian and vehicle traffic. (Section 6.)

5) Authorizes an optional right turn signal for bicyclists--i.e., extending the right hand and arm horizontally. This signal is easier for cyclist to make and studies have shown that this signal is more clearly understood by motorists than the the conventional right turn hand-and-arm signal. (Section 5.)

6) Requires car doors to be carefully opened on all sides of the vehicle that are next to traffic of any kind--vehicle or pedestrian. (Section 7.)

7) Requires vehicle drivers, including cyclists, to exercise due care to avoid colliding with cyclists in addition to pedestrians. (Section 8.)

8) Reaffirms that bicyclists are subject to the duties of and are granted the rights of drivers of other vehicles. This provision is also extended to the MCA chapter on traffic accidents. (Section 9.)

9) Allows bicyclists to pull bonafide bicycle trailers. (Section 10.)

10) Maintains the requirement that cyclists ride as far to the right side of the roadway as practicable, but authorizes exceptions to this requirement for passing, turning left, riding as fast as the flow of traffic, and conditions along the right side that make it unsafe to continue riding there. (Section 11.)

11) Allows cyclists the option of riding on the extreme left side of one-way streets. (Section 11.)

12) Permits cyclists to ride two abreast only when it does not impede the normal and reasonable movement of traffic. If traffic situations, cyclists would usually still be required to ride single file. (Section 11.)

13) Requires the driver of any vehicle, including bicycles, to yield to all traffic on sidewalks that the driver is crossing. (Section 12.)

14) States that bicyclists riding on sidewalks lose their vehicle status and are bound by the rights and duties of pedestrian law. In addition, cyclists must yield to all pedestrians and must give an audible signal when passing pedestrians on a sidewalk. (Section 13.)

SB 402 is needed. It benefits motorists and cyclists by clearly spelling out the rules for both. It should improve the traffic behavior of cyclists, which in turn will increase the respect of motorists for cyclists. I strongly urge you to give SB 402 a "do pass" recommendation.

Thank you.

Submitted by,

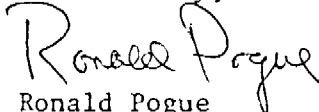

Ronald Pogue
1025 North 22nd St.
Billings, MT 59101
(406)259-2357

Exhibit
SB 402
3-10-83

Written Testimony of Sam Warren, Missoula Deputy City Attorney

I would like to take this opportunity to respectfully urge this Committee to recommend passage of Senate Bill 402. The primary thrust of this Bill is to specifically define the term "vehicle" as used in the state traffic code to include bicycles. Other parts of the Bill make exceptions or modifications where it would be inappropriate to treat bicycles and other vehicles exactly the same.

Present State of Law

At the present time, the Montana Traffic Code expressly excepts bicycles from the definition of "vehicle". Section 61-1-103, M.C.A. Virtually all of the operating requirements contained in the Montana Traffic Code apply only to "vehicles". Thus, on its face, it would appear that the provisions which govern "vehicles" do not apply to bicycles operated on Montana streets and highways. The legislature, apparently to address this exact issue, enacted Section 61-8-602, which states:

"61-8-602. Traffic laws applicable to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 9 except as to special regulations in this part and except as to those provisions of this chapter and chapter 9 which by the very nature can have no application."

Unfortunately, the above-quoted language, while it seems straightforward, does not adequately resolve the problem. While it does purport to "grant" bicyclists all of the "rights and duties" of other drivers, this is not the same as subjecting bicyclists to the operating requirements of the Motor Vehicle Code.

Bicyclists find themselves in a unique, undefined area of the law. As it presently stands, it is not at all clear that bicyclists are governed by the vehicle operating requirements that govern "vehicles".

The Problem

While I cannot offer any statistical proof, my personal experience and observation indicates that bicycle use is growing rapidly, especially in urban areas. This has resulted in increased numbers of collisions between bicycles and motor vehicles. One particular case will illustrate the problem.

Last summer, in Missoula, there was a collision between a pickup truck and a bicycle. Fortunately, no one was injured, although the bicycle was damaged extensively. The driver of the pickup truck, obviously in a hurry, merely asked the bicyclist if he had "learned this" and then left.

The above case is neither unique nor unjustified. There is a general legal axiom that all penal laws (such as traffic laws) must be construed strictly against the state. Thus, if any confusion or ambiguity exists in the law, the person charged with violating the law shall get the benefit of the doubt. Although we do have a law granting bicyclists the "rights and duties" of operators of other vehicles, we also have a law which specifically excepts bicycles from the definition of vehicles. This ambiguity will be construed in favor of the person charged.

In conclusion, I believe that the Montana Traffic Code does not effectively govern the operation of bicycles. A motor vehicle which fails to yield the right of way to a bicycle cannot be charged (at least in Missoula) with any traffic violation. Similarly, a bicyclist is not governed by vehicle operating requirements such as stop signs, traffic lights, as well as accident reporting requirements.

I believe that Senate Bill No. 402 solves the problem describes above. This Bill would definitely include bicyclists within the definition of vehicles and clarify the laws that govern their operation. I believe this Bill deserves your serious consideration and support.

Respectfully submitted,

Sam Warren

Sam Warren
Missoula Deputy City Attorney
201 West Spruce
Missoula, Montana 59802

SW/jd

granted. Vehicle Code, specifically excludes bicycles. This motion was be dismissed since the term "vehicle" as defined in the Montana Defendant appeared, through his lawyer, and asked that the case in an accident resulting only in damage to a vehicle. . . . The this statute pertains only to "the driver of any vehicle involved the required information (Section 61-7-104, M.C.A.). Of course, for leaving the scene of a property damage accident without giving found the driver of the pickup truck, and issued him a citation, or insurance information. Our Office investigated the incident, left the scene without giving the bicycle rider his name, address, (in terms of who was at fault), it was clear that the motorist what to do. Because the exact cause of the accident was unclear

March 10, 1983

Representative Hubert Abrams, Chairman
Highways and Transportation Committee
Helena, MT 59620

Dear Rep. Abrams,

I am writing you in regard to HB 402 concerning bicycle traffic laws and regulations. I am a bicycling commuter, 64 years of age, who has been touring our great state for many years. In 1965 I cycled with my two sons from Missoula to Glendive and return. In subsequent years I have toured throughout western Montana on week-long tours to Canada, Yellowstone Park and the Big Hole country. I use the bicycle as a vehicle, riding to work and back over nine months of the year. I ride approximately 3000 miles each year and have seen many instances when a clearcut bicycle law would have been very beneficial to both the cyclist and motorist.

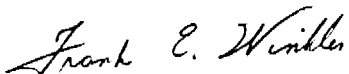
After reviewing the bill I am convinced that passage will benefit both the cyclist and the motorist. I am urging you to give this bill serious consideration and support.

During the energy crisis of a few years back many Montanans started using the bicycle as a vehicle for transportation and now that oil and gas are plentiful they still prefer to ride their bikes. They have discovered that the bicycle is truly a vehicle to get from one place to another.

I believe that passage of this bill will make the law consistent and less confusing and will aid law enforcement officers greatly. I hope you will support this worthwhile legislation and help its passage through the House.

Thanks very much from a concerned cyclist.

Frank E. Winkler



2113 Charlott Ave.
Missoula, MT 59801



The Bicycle Travel Association

P.O. Box 8308, Missoula, MT 59807
(406) 721-1776

Representative Hubert Abrams
Chairman - Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Representative Abrams:

During the past decade the bicycle has become more than a mere toy given to one's child for Christmas or a birthday. It is at once a vehicle for the young (and old), a tool for commuting in the auto-clogged cities, a competitive machine for the bicycle racer, and a means of escape for the touring bicyclist.

It is this latter group, the touring cyclists, whom we serve through Bikecentennial, a service organization for cyclists born nine years ago in Missoula, and now the nation's largest bicycling organization, though certainly not its oldest.

During our nine years we have drawn thousands of cyclists to the state of Montana. They have climbed our tortuous mountain passes, wondered at our national parks, and reveled in pastoral scenery that exists in so few places in our nation today.

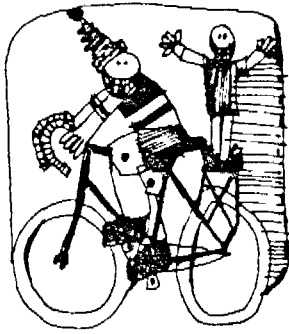
These cyclists are drawn to Montana largely because several arms of Bikecentennial's developing national bicycle trail network link and cross in this state. We seek the lightly-traveled, scenic roadways; the small towns bypassed by the busier highways. It is on these roads that the cyclists are more likely to truly experience our state. They travel unencumbered by heavy traffic, and they bring unquestionable economic benefit to the small towns along the way.

Yet, these two-wheeled travelers are met by an archaic law that strips them of the rights as vehicle drivers that cyclists enjoy in most other states today, while requiring of them the responsibilities of motorized vehicle drivers. This is patently unfair.

As the executive director of Bikecentennial, and on behalf of our 20,000 member cyclists nationwide, I ask you to support passage of House Bill #402, "An Act Defining A Bicycle As A Vehicle..."

Sincerely,

Gary MacFadden
Executive Director



THE MISSOULA BICYCLE CLUB

March 9, 1983

Representative Hubert Abrams, Chairman
Highways & Transportation Committee
Capitol Station
Helena, MT 59620

Dear Representative Abrams:

re: HB 402

I am president of the Missoula Bicycle Club, the largest incorporated bicycling club in Montana with over 300 members. 21% are non-Missoula members living elsewhere in Montana. I am in support of House Bill 402 because of the potential it creates for increased road safety for motorists and bicyclists alike. Current laws regarding bicyclists sharing the road with motorists are confusing and HB 402 would help clarify law enforcement's part in maintaining safety.

The bottom line is bicyclists and motorists obeying traffic laws equally. After all, motorists must stop at stop signs so why continue to let bicyclists coast through?

Sincerely,

Debra Unruh
MBC President

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NATURE / TRAVEL

MONTANA



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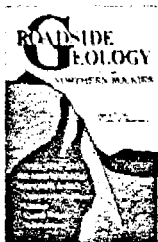
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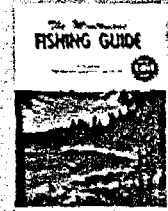


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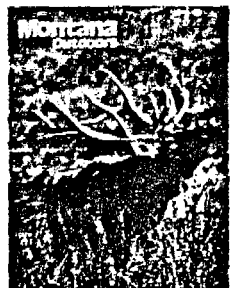
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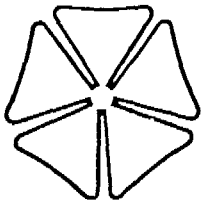
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THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

March 9, 1983

CITY ENGINEERING DEPARTMENT
201 West Spruce Street
Phone 721-4700
E-83-0221

Mr. Hubert J. Abrams
Chairman
Highways & Transportation Committee
House of Representatives
State Capitol
Helena MT 59620

Dear Mr. Abrams:

I am writing in support of SB402, "An Act Defining a Bicycle as a Vehicle; Revising & Clarifying the Bicycle Traffic Laws".

Passage of this bill will assist me in my work training young bicyclists (last spring, for example, my staff gave almost ninety safety sessions to all grades from kindergarten through high school). My work is presently hindered by unclear state traffic laws and unrealistic requirements.

For instance, when I am asked if a bicycle is a vehicle, I have to say "No, but you have to follow the same rules." This seldom satisfies the questioner, particularly a young bicyclist who cannot appreciate the fine point involved.

Further, Section 61-8-338 (2) of SB 402, which would allow bike riders to signal a right turn by extending their right arms horizontally, would be a Godsend. I can tell you that just about every school class I've taught bike safety to has had lots of trouble with the normal signal. If I could simply teach them to "point the way you want to go", it would make things much easier and I believe it would increase compliance.

SB 402 would also legalize the "two-stage left turn" (go straight across, turn your bike, wait and cross again). This type of turn is the one we teach kids to use on busy streets. Present law does not describe any option beyond the vehicle-style turn.

Similarly, SB 402 would give clear instructions to the bicyclists as to when they may move from the right edge of the roadway (eg, when moving at the same speed as traffic or when preparing to make a left turn). Present law says nothing on the subject and seems to embody a conflict between the law requiring a bike rider to make a vehicle-style left turn and the law requiring a bike rider to keep as far to the right as practicable.

SB 402 will go a long way towards improving bike safety in Montana. I support a "do pass" recommendation for this bill.

Sincerely,  John Williams, Bicycle Safety Coordinator

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M/F

We urge you to join thousands of other active touring bicyclists in support of America's largest and fastest-growing bicycling organization. Besides strengthening Bikecentennial's efforts in creating bicycle routes and gathering information for use by all cyclists, as a member you will:

- Annually elect a Board of Directors and have input on the future goals and directions of the organization.
- Assure that bicyclists have an **effective voice** in bicycling matters.



Fill out the application form below **today** and mail it, along with your membership fee, to:

Bikecentennial
P.O. Box 8308-C
Missoula, MT 59807

Use This Application To Join Bikecentennial

BKE CENTENNIAL MEMBERSHIP APPLICATION

es! I want to join with thousands of other touring bicyclists. Rush me my **FREE 1983 Cyclists'ellow Pages and Bike Stop Book**. (Please indicate the membership category of your choice. Make checks payable to Bikecentennial.

My payment is enclosed | Credit Card Exp. Date _____
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☐ New Member
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Please allow 6 weeks for processing your membership.

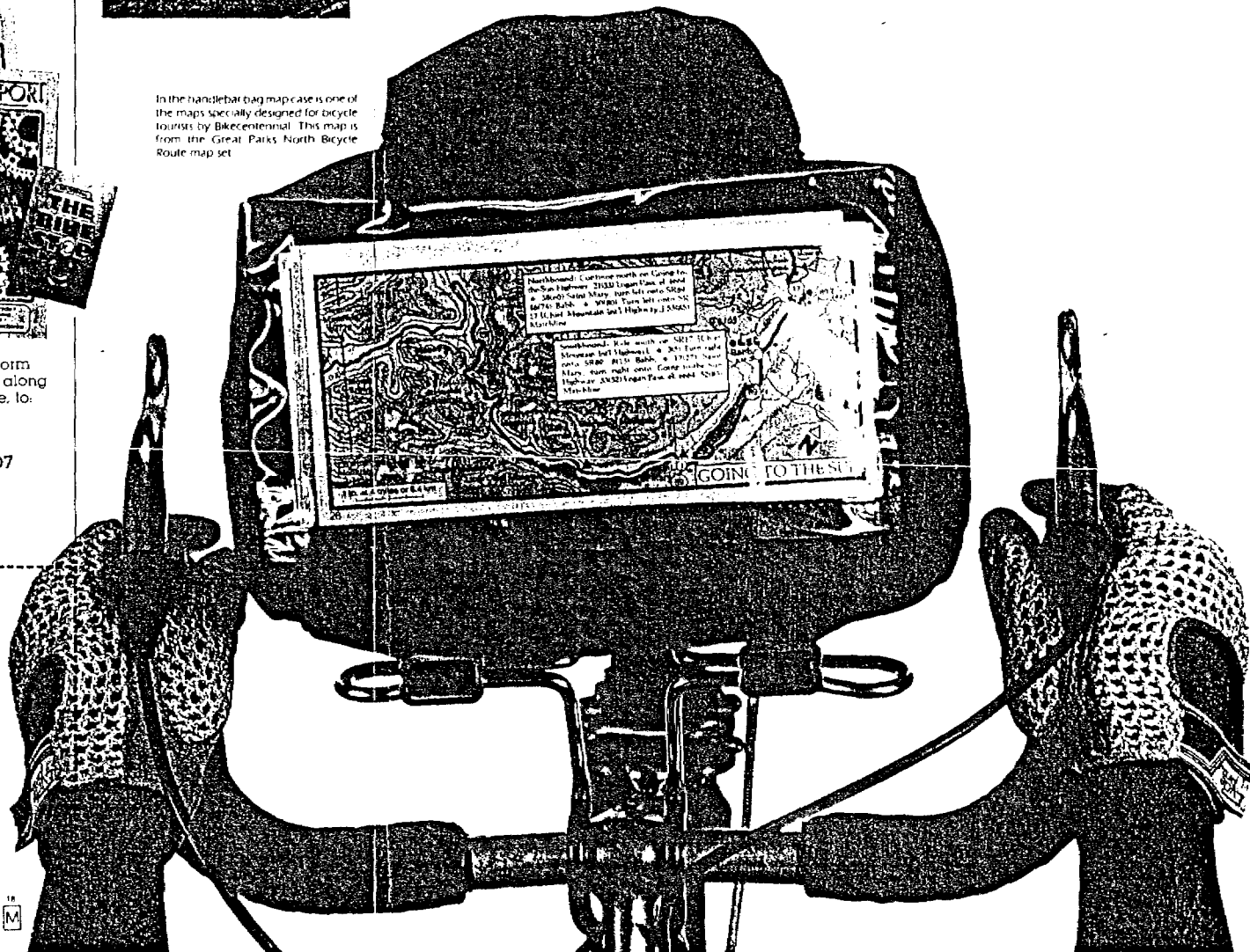
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BIKE CENTENNIAL

The Bicycle Travel Association



In the handlebar bag map case is one of the maps specially designed for bicycle tourists by Bikecentennial. This map is from the Great Parks North Bicycle Route map set.



BIKECENTENNIAL THE BICYCLIST'S SOURCE

Bikecentennial is a nonprofit service organization of touring bicyclists, supported by more than 18,000 members nationwide. Bikecentennial members are students, homemakers, business executives—they come from all walks of life. Our members enjoy bicycling, and they've joined together to promote bicycle touring in the United States. Their support and efforts have made Bikecentennial the largest and fastest-growing bicy-

cling organization in North America.

Bikecentennial can save you time, effort, and money when you start planning your bicycle tour. Look at the benefits we already offer to thousands of cyclists (see back panel).

Bikecentennial exists to help new and experienced cyclists around the country discover the benefits of this healthy, energy efficient, pollution-free form of travel. Please join with us in support of this effort.

Bikecentennial's Trail Network

Bicycle touring gets you out on the road, experiencing the challenges and the freedom of self-propelled travel, discovering more about the land and about yourself. But, with so many roads to choose from, where do you begin?

A national network of researched bicycle routes has been an important goal of Bikecentennial since its incorpora-

tion. We've linked more than 9,000 miles of quiet, scenic secondary roads across the country into routes for cyclists.

Our developed routes (see map) now include the 4,450-mile TransAmerica Bicycle Trail, the Great Parks Bicycle Route in the West, the Great River Bicycle Route, which parallels the Mississippi River from its headwaters in Minnesota to Memphis, Tennessee, and 300-mile loop

routes in Oregon, Kentucky, and Virginia.

With the kind assistance of The Huffy Foundation, through a challenge grant of \$60,000, Bikecentennial has embarked on the largest trail development project in bicycling history, the addition of 6,000 miles of touring routes to our network by July 1984 (see the map above for these new routes). Your support will help make this goal of 15,000 miles of researched, mapped routes a reality!

Exciting Summer Bicycle Trips

Bikecentennial began as a trips organization, planning for thousands of cyclists to ride across the country to celebrate our nation's 200th birthday. More than 4,000 cyclists participated in our 1976 trips program, and we learned a lot about running bicycle tours!

offers a series of exciting group tours. Our groups consist of eight to ten cyclists (all ages and experience levels) plus a trained leader. The tours range in length from 21 to 90 days. Here's our lineup of tours for 1983:

- **The TransAmerica Trail** (Portland, OR to Yorktown, VA): 4,450 miles, 90 days
- **The North Star** (Missoula, MT to Anchorage, AK): 3,020 miles, 66 days
- **US West** (Portland, OR to Pueblo, CO): 2,150 miles, 49 days
- **Great Parks Odyssey** (Durango, CO to Jasper, Alberta): 2,150 miles, 63 days
- **Great Parks North** (Missoula, MT to Jasper, Alberta): 790 miles, 21 days
- **Great Parks South** (Durango, CO to Steamboat Springs, CO): 670 miles, 20 days
- **Great River Ramble** (Fargo, ND to Davenport, IA): 880 miles, 22 days
- **New England Loop** (Waterbury, CT to Waterbury, CT): 720 miles, 21 days
- **New England/Adirondacks** (Bar Harbor, ME to Erie, PA): 930 miles, 23 days

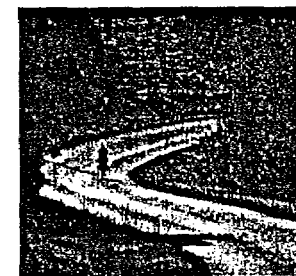
The complete trips program listing and tour application are featured in the *BikeReport*. Your first issue will be rushed to you upon receipt of your membership application.

Discover America and new friendships on a Bikecentennial tour this summer!

Resources For Touring Bicyclists

Cyclists' Yellow Pages

Planning your own bicycle tour? You won't want to be without the *Cyclists' Yellow Pages*, the most complete resource directory of its kind—and available only to Bikecentennial members. With your membership packet we'll send you your **FREE** copy of the completely updated 1983 edition, packed with hundreds of contacts, addresses,



See the back page for Bikecentennial member benefits

and resource publications for making your trip planning easier. Reserve your copy of the 1983 *Cyclists' Yellow Pages* today!

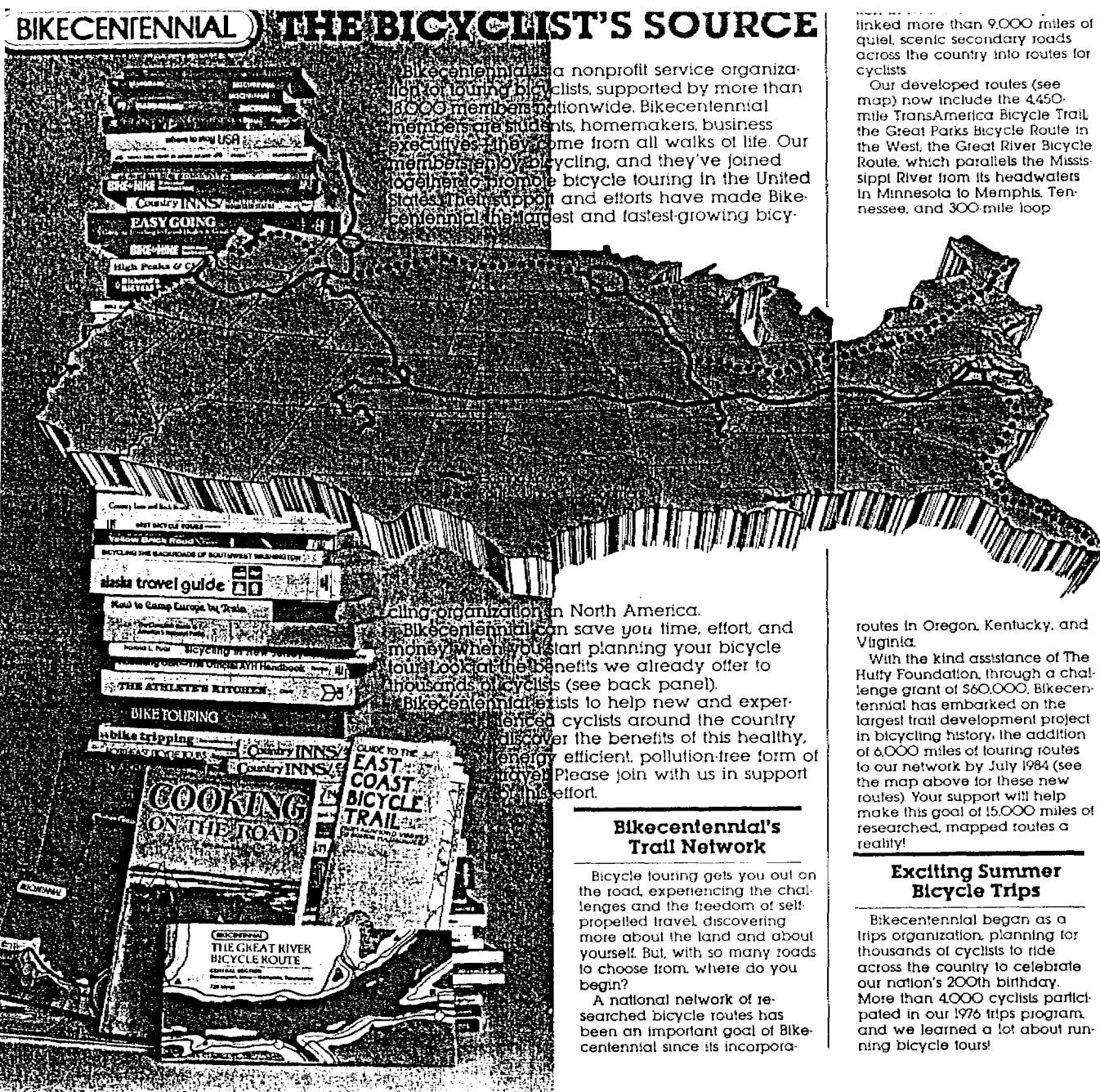
The BikeReport

There's only one national cycling publication totally devoted to the sport of bicycle touring, and only Bikecentennial members receive it. The bimonthly *BikeReport* will keep you up to date on the Bikecentennial organization and the world of bicycle touring. Feature articles, a bicycle maintenance column, listings of cyclists looking for touring companions, the *Bikecentennial Bookstore* catalog section, and much more, all packed into six big issues each year. Join Bikecentennial today so you won't miss another issue of the *BikeReport*.

The Bookstore

During the past three years the *Bikecentennial Bookstore* has become the **source** for bicycle touring information. We now offer maps and information for more than 100,000 miles of touring routes from around the world, all collected in one catalog for your convenience. We also stock numerous bicycle maintenance and how-to publications—you can learn how to repair your bicycle or build a bicycle wheel.

The *Bikecentennial Bookstore* stocks more than 200 titles, and they're all available to members at discounts of up to 40 percent! The *Bikecentennial Bookstore* catalog is delivered to your home six times each year as a section of the organization's bimonthly touring journal, the *BikeReport*.



3-10-83

4801 Aspen Lane
Bozeman, MT. 59715
9 March 1983

Honorable Senators
Montana State Senate
Helena, MT. 59601

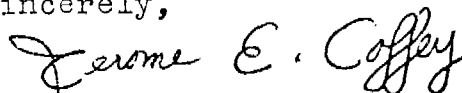
Dear Senators:

I am President of the Gallatin Valley Bicycle Club and am speaking for and representing our membership of 100 individual cyclists. The Gallatin Valley Bicycle Club would like to go on record in support of Senate Bill NO. 402.

We have reviewed the bill carefully and feel that it represents a great improvement over existing law. In most essential details Senate No. 402 follows the Uniform Vehicle Code. It gives the bicycle full vehicle status with all of the rights and responsibilities which that implies. The bill makes reasonable rules concerning riding to the right, signalling, and yielding to pedestrians. In short, the bill acknowledges the bicycle as an rightful part of the transportation mix and defines the rights and duties of the cyclist.

The Gallatin Valley Bicycle Club urges you to pass Senate Bill No. 402. Thank you for considering our position and including it in the record.

Sincerely,



Dr. Jerome E. Coffey, President
Gallatin Valley Bicycle Club

3-10-83

March 9, 1983

Representative Hubert Abrams, Chairman
House Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Dear Mr. Abrams:

I am writing to express the support of the Billings Bicycle Club for Senate Bill No. 402. Legislation defining the bicycle as a vehicle in the Montana Uniform Vehicle Code is long overdue.

There is an ever increasing number of people in Montana who use the bicycle as a serious means of transportation. It would only seem logical that these people be protected by the same laws which govern automobile drivers.

It is my hope that you will do everything within your power to ensure that this vital piece of legislation leave your committee with a wholehearted 'do pass' recommendation.

Thank-you for your attention in this matter.

Sincerely,

Harold Davis

Harold Davis, President
Billings Bicycle Club
P.O. Box 20043
Billings, MT 59104

Highways Committee Minutes
March 22, 1983
Page 3

MR. KEN JOHNSON, Federal Highway Administration, said he would surmise there would be no difference in making these approvals.

CHAIRMAN ABRAMS asked about the transfer of funds referred to on page 4, Sections 3 and 4 of the bill. Mr. Wicks advised all earnings on the highway earmarked account presently go to the general fund and he wanted earnings from the bonding program to remain in the earmarked account, after this biennium.

REP. HARP said he wondered if either the Legislative Fiscal Analyst or the Office of Budget and Program Planning have included the bonding program in their revenue projections.

The hearing was closed on Senate Bill 454. Rep. Harrington was asked to carry the bill.

EXECUTIVE SESSION

SENATE BILL 402. REP. BROWN moved the bill Be Concurred In and be amended according to amendments 1,2, and 3 (exhibit). Rep. Keyser seconded the motion, which was unanimously approved.

REP. BROWN moved the second set of amendments, one through seven be approved. Rep. Keyser seconded the motion, which was given unanimous approval of the Committee.

REP. BROWN moved the bill Be Concurred In as Amended.

REP. SOLBERG said he was still concerned with the legal/financial responsibility of a bicyclist who causes an accident. Col. Landon, Montana Highway Patrol, said the bill would provide more help with regard to civil action rather than criminal.

REP. SOLBERG told Rep. Brown he found it difficult to label a child's bicycle a vehicle when the child has no financial resources and is not financially responsible. Rep. Underdal added his agreement with Rep. Solberg.

REP. KOEHNKE asked if the bill addressed a bicycle as a vehicle. Rep. Brown said a provision was made in the statutes to levy a fee on bicycles, which is presently done in the city of Billings, adding the bill would encourage formation of educational groups for proper bicycle use.

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March 22, 1983
Page 4

REP. BROWN said the bill would make bicyclists more responsible and the minimal standards proposed for bicycle conduct are better than those presently in force. Rep. Lybeck concurred with Rep. Brown.

REP. KEYSER said the bill would at least allow violators to be charged according to the violation committed.

REP. KOEHNKE asked what is being done to educate children with regard to vehicle statutes. Col. Landon told him the educational community would structure training, adding he anticipated few arrests.

The motion made by Rep. Brown was given committee approval by all members except Representatives Howe and Solberg, who voted no.

SENATE BILL 287. REP. BROWN moved the bill Be Concurred In. Rep. Hammond seconded the motion, which was given unanimous committee approval.

REP. KEYSER was asked to carry the bill.

SENATE BILL 318. REP. SOLBERG moved the bill Be Concurred In. Rep. Lybeck seconded the motion, which was given unanimous committee approval.

SENATE BILL 155. MR. GREG PETESCH, Legislative Council Attorney, suggested codification instructions be included to eliminate any conflict with Senate Bill 170.

REP. BROWN moved the amendment be approved. Rep. Harp seconded the motion, which was unanimously approved by the Committee.

REP. BROWN moved the bill Be Concurred In as Amended. The motion was seconded by Rep. Harp and unanimously approved.

CHAIRMAN ABRAMS advised executive action on Senate Bill 454 would be postponed.

The meeting was adjourned at 2:37pm.


REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

MARCH 22, 19 93

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 402

THIRD reading copy (BLUE)
color

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A
"VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS;
AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336,
61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604,
AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

Respectfully report as follows: That SENATE Bill No. 402

Be amended as follows: (attached)

~~DEPASSX~~

REP. ROBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

Amend SB 402, third reading (blue) copy, as follows:

Page 2 of 3

1. Page 4, line 7.

Following: "(2)"

Insert: "(a)"

2. Page 4, line 8.

Following: "or" at the end of line 8

Insert: "in subsection (2)(b)."

(b) A person operating a bicycle who intends to turn left"

3. Page 4, line 10

Following: line 9

Strike: "side" at the beginning of line 10

Insert: "curb or edge"

4. Page 4, line 11.

Following: "roadway, the"

Strike: "bicycle operator"

Insert: "person"

5. Page 4, line 12.

Following: "practicable to the"

Strike: "side"

Insert: "curb or edge"

Following: "roadway"

Strike: ", "

6. Page 4, line 13.

Following: "far"

Insert: "right"

Following: "turning, the"

Strike: "bicycle"

7. Page 4, line 14.

Following: line 13

Strike: "operator" at beginning of line 14

Insert: "person"

Following: "shall"

Insert: "yield to through traffic and shall"

REP. HUBERT ABRAMS, CHAIRMAN

Amend SB 402, third reading (blue) copy, as follows:

8) Page 11, line 1.

Following: ~~"in-single-file"~~

Strike: ~~"not more than two abreast"~~

Insert: "in single file"

Following: "except"

Insert: "when: (a) riding"

9) Page 11, line 3.

Following: "of bicycles"

Strike: "."

Insert: ";

10) Page 11, line 5 through line 8.

Following: ~~"by-so-doing"~~

Strike: the remainder of line 5 through "lane" on line 8

Insert: "(b) overtaking and passing another bicycle;

(c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede such traffic by riding single file and in accordance with the provisions of this chapter"

CK

AND AS AMENDED
BE CONCURRED IN

REP. HUBERT ABRAMS, CHAIRMAN